

AFFIDAVIT OF BRIAN MOROG

STATE OF OHIO)
)
) SS.
COUNTY OF CUYAHOGA)

BRIAN A. MOROG, being duly sworn, states as follows:

1. I am employed by Research Associates, Inc. ("RAI,") an entity engaged in private investigation. RAI is a leading investigative company servicing businesses and organizations through the United States and abroad. The company provides comprehensive fraud, due diligence, and background investigations. I transact business through RAI's offices located at 27999 Clemens Road, Cleveland, Ohio 44145.

2. In March 2011, RAI was engaged to conduct an inquiry with regard to Miami Wholesale Sunglasses, an internet wholesale sunglasses distributor. At the onset of the inquiry, information was provided to me that demonstrated that Miami Wholesale Sunglasses was linked to internet advertisements via the Google search engine. The ad noted that Miami Wholesale Sunglasses was offering for sale, Solar X sunglasses at \$2 apiece, or \$24 per dozen. The client (Solar X Eyewear, LLC) informed me that Miami Wholesale Sunglasses was not authorized to sell Solar X sunglasses.

3. On March 28, 2011, I conducted an internet search through Google and observed a miamiwholesalesunglasses.com internet header that referenced Solar X sunglasses, "Low as \$18 per dozen/\$1.50 each." A copy of this page is appended hereto as Affidavit Exhibit "A."

4. A review of the Miami Wholesale Sunglasses website listed two telephone numbers, and a contact address at the Cass Street address. A notation on this website stated: "All orders are promptly shipped from our warehouse in San Diego, and delivered to most locations nationwide within two to five business days."

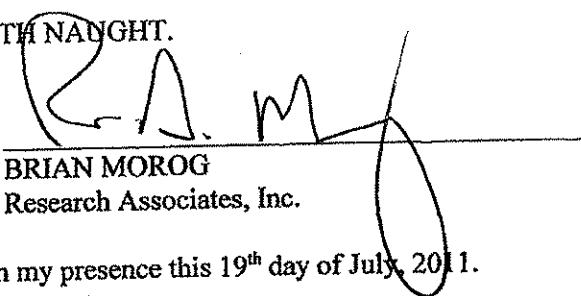
5. On Friday, March 25, 2011, I placed a call to one of the telephone numbers set forth on the Miami Wholesale website. An automated recording noted, "Welcome to Miami Wholesale Sunglasses, home of DG Eyewear." A message was then played that stated that all available operators were busy, and to please leave a name and contact telephone number and someone would return the call as soon as possible. I placed the same type of call on Monday, March 28, 2011 at approximately 10:00 a.m. and 2:00 p.m., during open hours as noted via the Miami Wholesale website. The same recording was noted.

6. On Tuesday, March 29, 2011, I placed another call and left my name and telephone number on a taped message. This call was placed at approximately 10:30 a.m. (EST,) and at approximately 11:30 a.m. (EST,) a return call was received from (858) 304-1008. The caller identified himself to me as an employee of Miami Wholesale Sunglasses (not Solaris Eyewear or any other name,) and, when asked, identified himself as Tucker. I stated to Tucker that I wished to purchase product and provided my name and address to Tucker. Prior to this call, I had identified two different styles of sunglasses to purchase, and then conducted an internet search to locate the same sunglasses at a reduced rate. During the call, I questioned Tucker with regard to his company's ability to match or beat competitors' prices as denoted on the Miami Sunglasses website. Tucker questioned me as to the style and manufacture of the glasses and the pricing indicated. He stated to me that he would need to verify the information I had relayed to him, and he placed the call on hold for a few minutes. Upon returning to the call, Tucker stated that he could place the order to me in Ohio with the reduced rates for each brand noted. At this time, I asked Tucker if Miami Wholesale Sunglasses sold Solar X brand sunglasses. Tucker noted that there were a variety of sunglasses on his site with Solar X styling.

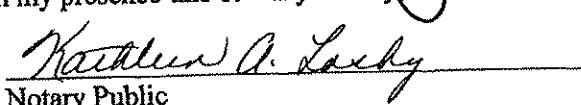
I then advised Tucker that the advertisement for miamiholesaleglasses.com on Google noted Solar X sunglasses were available for \$18.00 per dozen, or \$1.50 a pair. In reply, Bowyer stated that he maintained hundreds of options for sunglasses on his site, some of which were similar or nearly identical to the Solar X style. Tucker acknowledged that he was not authorized to sell Solar X sunglasses, but stated that the only difference in the sunglasses would be the absence of the Solar X logo. I concluded this call by asking whether Miami Wholesale offered a catalog, and whether the catalog could be sent to me at my Ohio address. Subsequently, I received in the U.S. mail, at my Ohio address, a catalog of Miami Wholesale sunglasses offerings (the front and back page of this catalog are appended hereto as Affidavit Exhibit "B.")

7. In reference to www.miamiholesaleglasses.com, I conducted a domain name inquiry. This search identified the registrant for the business as Tucker Bowyer, with his address listed at 4629 Cass Street, Unit 50, San Diego, California 92109. According to information from the domain source, this webpage was registered on March 30, 2008, and was current with that registrant through March 30, 2015. The registration listed Tucker Bowyer as the administrative contact with an e-mail: domains@dgeyewear.com. Further research disclosed eight different business entities associated with Tucker and Heather (Rhoades) Bowyer.

FURTHER AFFIANT SAYETH NAUGHT.


BRIAN MOROG
Research Associates, Inc.

Sworn to before me and subscribed in my presence this 19th day of July, 2011.


KATHLEEN A. LASBY
Notary Public

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solar x sunglasses
X Search
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About 1,100,000 results (0.11 seconds)

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Enter location

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Ad



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Jul 21, 2009 ... The Bona fide Campaign Video for the new AJX Solar Remix Sunglass Collection. Track name: Easy (Buffetlibre Mix) Artist: Dragonette Leverage ...
nexusa.com/Sunglasses/Solar-X-Sunglasses/ - Cached

EX "A"

EX "B"

Plaintiff's Motion for Preliminary Injunction

Plaintiff, the City of St. Paul, Minnesota, by its attorney, John C. St. John, Esq.,

Defendant, the City of Minneapolis, Minnesota, by its attorney, John C. St. John, Esq.,

Defendant, the City of Minneapolis, Minnesota, by its attorney, John C. St. John, Esq.,

Defendant, the City of Minneapolis, Minnesota, by its attorney, John C. St. John, Esq.,